



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Department of Social and Health Services,
Economic Services Administration

☐ Permanent Rule
☒ Emergency Rule

Effective date of rule:

Permanent Rules

- ☐ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a
specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- ☐ Immediately upon filing.
☒ Later (specify) 10-01-2006

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: Amend WAC 388-450-0185, Does the department count all of my income to determine my eligibility and benefits for Basic Food?; WAC 388-450-0190, How does the department figure my shelter cost income deduction for Basic Food?; WAC 388-450-0195, Utility allowances for Basic Food programs; WAC 388-478-0060, What are the income limits and maximum benefit amounts for Basic Food?; WAC 388-492-0040, Can I choose whether I get WASHCAP food benefits or Basic Food benefits?; and WAC 388-492-0070, How are my WASHCAP food benefits calculated?; to update income, benefit, and deduction standards for the Washington Basic Food program and WASHCAP. These changes must be implemented effective October 1, 2006 to comply with federal requirements for the Food Stamp program.

Citation of existing rules affected by this order:

Repealed: None
Amended: WAC 388-450-0185; 388-450-0190; 388-450-0195; 388-478-0060; 388-492-0040; 388-492-0070
Suspended: None

Statutory authority for adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510

Other authority: 7 CFR § 273.9

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR _____ on _____.

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

"Added by DSHS after filing"

**ADOPTION
PERMANENT
EMERGENCY**

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
☒ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

The United States Department of Agriculture, Food and Nutrition Service (FNS) publishes new income standards, maximum benefit amounts, standard deduction, and maximum shelter standards at the end of each federal fiscal year to be used in the next federal fiscal year effective for October benefits. In addition, FNS requires the department to adjust the Standard Utility Allowance and standards used in calculating Washington Combined Application Project (WASHCAP) benefits each year. These changes are implemented at the start of each federal fiscal year on October 1st. The department has filed proposed rule-making notices for these WAC sections under WSR 06-17-174 and 06-17-175. The hearing for these proposed amendments is on September 26, 2006.

Date adopted:

9/08/06

NAME (TYPE OR PRINT)

Andy Fernando

SIGNATURE

TITLE

Manager, Rules and Policies Assistance Unit

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

SEP 8 2006

TIME _____
WSR _____

426
06-19-016

AM
PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	6	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	6	Repealed	_____

AMENDATORY SECTION (Amending WSR 05-21-101, filed 10/18/05, effective 11/18/05)

WAC 388-450-0185 Does the department count all of my income to determine my eligibility and benefits for Basic Food? We subtract the following amounts from your assistance unit's (AU's) countable income before we determine your Basic Food benefit amount:

(1) A standard deduction based on the number of people in your AU under WAC 388-408-0035:

Eligible and ineligible AU members	Standard deduction
1	\$134
2	\$134
3	\$134
4	\$((134)) <u>139</u>
5	\$((157)) <u>162</u>
6 or more	\$((179)) <u>186</u>

(2) Twenty percent of your AU's gross earned income (earned income deduction);

(3) Your AU's expected monthly dependent care expense as described below:

(a) The dependent care must be needed for AU member to:

(i) Keep work, look for work, or accept work;

(ii) Attend training or education to prepare for employment;

or

(iii) Meet employment and training requirements under chapter 388-444 WAC.

(b) We subtract allowable dependent care expenses that are payable to someone outside of your AU:

(i) Up to two hundred dollars for each dependent under age two; and

(ii) Up to one hundred seventy-five dollars for each dependent age two or older.

(4) Medical expenses over thirty-five dollars a month owed or anticipated by an elderly or disabled person in your AU as allowed under WAC 388-450-0200.

(5) Legally obligated current or back child support paid to someone outside of your AU:

(a) For a person who is not in your AU; or

(b) For a person who is in your AU to cover a period of time when they were not living with you.

(6) A portion of your shelter costs as described in WAC 388-450-0190.

WAC 388-450-0190 How does the department figure my shelter cost income deduction for Basic Food? The department calculates your shelter cost income deduction as follows:

(1) First, we add up the amounts your assistance unit (AU) must pay each month for shelter. We do not count any overdue amounts, late fees, penalties or mortgage payments you make ahead of time as an allowable cost. We count the following expenses as an allowable shelter cost in the month the expense is due:

- (a) Monthly rent, lease, and mortgage payments;
- (b) Property taxes;
- (c) Homeowner's association or condo fees;
- (d) Homeowner's insurance for the building only;
- (e) Utility allowance your AU is eligible for under WAC 388-450-0195;

(f) Out-of-pocket repairs for the home if it was substantially damaged or destroyed due to a natural disaster such as a fire or flood;

(g) Expense of a temporarily unoccupied home because of employment, training away from the home, illness, or abandonment caused by a natural disaster or casualty loss if your:

- (i) AU intends to return to the home;
- (ii) AU has current occupants who are not claiming the shelter costs for Basic Food purposes; and
- (iii) AU's home is not being leased or rented during your AU's absence.

(2) Second, we subtract all deductions your AU is eligible for under WAC 388-450-0185 (1) through (5) from your AU's gross income. The result is your AU's net income.

(3) Finally, we subtract one-half of your AU's net income from your AU's total shelter costs. The result is your excess shelter costs. Your AU's shelter cost deduction is the excess shelter costs:

(a) Up to a maximum of four hundred seventeen dollars if no one in your AU is elderly or disabled; or

(b) The entire amount if an eligible person in your AU is elderly or disabled, even if the amount is over four hundred seventeen dollars.

AMENDATORY SECTION (Amending WSR 06-10-056, filed 5/1/06, effective 6/1/06)

WAC 388-450-0195 Utility allowances for Basic Food programs.

(1) For Basic Food, "**utilities**" include the following:

- (a) Heating or cooling fuel;
- (b) Electricity or gas;
- (c) Water or sewer;
- (d) Well or septic tank installation/maintenance;
- (e) Garbage/trash collection; and
- (f) Telephone service.

(2) The department uses the amounts below if you have utility costs separate from your rent or mortgage payment. We add your utility allowance to your rent or mortgage payment to determine your total shelter costs. We use total shelter costs to determine your Basic Food benefits.

(a) If you have heating or cooling costs, you get a standard utility allowance (SUA) that depends on your assistance unit's size.

Assistance Unit (AU) Size	Utility Allowance
1	\$ ((307)) <u>298</u>
2	\$ ((316)) <u>307</u>
3	\$ ((325)) <u>316</u>
4	\$ ((334)) <u>325</u>
5	\$ ((344)) <u>334</u>
6 or more	\$ ((353)) <u>343</u>

(b) If your AU does not qualify for the SUA and you have any two utility costs listed above, you get a limited utility allowance (LUA) of two hundred (~~((forty-two))~~ thirty-eight) dollars.

(c) If your AU has only telephone costs and no other utility costs, you get a telephone utility allowance (TUA) of (~~((thirty-nine))~~ thirty-eight) dollars.

AMENDATORY SECTION (Amending WSR 05-21-101, filed 10/18/05, effective 11/18/05)

WAC 388-478-0060 What are the income limits and maximum benefit amounts for Basic Food? If your assistance unit (AU) meets all other eligibility requirements for Basic Food, your AU must have income at or below the limits in column B and C to get Basic Food, unless you meet one of the exceptions listed below. The maximum monthly food assistance benefit your AU could receive is listed in column D.

EFFECTIVE 10-1-((05))2006

Column A Number of Eligible AU Members	Column B Maximum Gross Monthly Income	Column C Maximum Net Monthly Income	Column D Maximum Allotment	Column E 165% of Poverty Level
1	\$((+037)) <u>1062</u>	\$((798)) <u>817</u>	\$((+52)) <u>155</u>	\$((+1316)) <u>1348</u>
2	((+1390)) <u>1430</u>	((+070)) <u>1100</u>	((278)) <u>284</u>	((+1765)) <u>1815</u>
3	((+1744)) <u>1799</u>	((+1341)) <u>1384</u>	((399)) <u>408</u>	((2213)) <u>2283</u>
4	((2097)) <u>2167</u>	((+1613)) <u>1667</u>	((506)) <u>518</u>	((2661)) <u>2750</u>
5	((2450)) <u>2535</u>	((+1885)) <u>1950</u>	((601)) <u>615</u>	((3109)) <u>3218</u>
6	((2803)) <u>2904</u>	((2156)) <u>2234</u>	((722)) <u>738</u>	((3558)) <u>3685</u>
7	((3156)) <u>3272</u>	((2428)) <u>2517</u>	((798)) <u>816</u>	((4006)) <u>4153</u>
8	((3509)) <u>3640</u>	((2700)) <u>2800</u>	((912)) <u>932</u>	((4454)) <u>4620</u>
9	((3863)) <u>4009</u>	((2972)) <u>3084</u>	((+026)) <u>1049</u>	((4903)) <u>5088</u>
10	((4217)) <u>4378</u>	((3244)) <u>3368</u>	((+140)) <u>1166</u>	((5532)) <u>5556</u>
Each Additional Member	+((354)) <u>369</u>	+((272)) <u>284</u>	+((+14)) <u>117</u>	+((449)) <u>468</u>

Exceptions:

(1) If your AU is categorically eligible as under WAC 388-414-0001, your AU does not have to meet the gross or net income

standards in columns B and C. We do budget your AU's income to decide the amount of Basic Food your AU will receive.

(2) If your AU includes a member who is sixty years of age or older or has a disability, your income must be at or below the limit in column C only.

(3) If you are sixty years of age or older and cannot buy and cook your own meals because of a permanent disability, we will use column E to decide if you can be a separate AU.

(4) If your AU has zero income, your benefits are the maximum allotment in column D, based on the number of eligible members in your AU.

AMENDATORY SECTION (Amending WSR 05-18-036, filed 8/30/05, effective 10/1/05)

WAC 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits? You can choose to have Basic Food benefits instead of WASHCAP food benefits when:

(1) Your nonutility shelter costs as defined in WAC 388-450-0190 (1)(a) through (d) are more than five hundred (~~forty-four~~) sixty-seven dollars a month;

(2) Your out-of-pocket medical expenses are more than thirty-five dollars a month; or

(3) You chose to have Basic Food benefits instead of WASHCAP benefits prior to January 1, 2005.

AMENDATORY SECTION (Amending WSR 05-17-155, filed 8/22/05, effective 10/1/05)

WAC 388-492-0070 How are my WASHCAP food benefits calculated? We calculate your food benefits as follows:

(1) We begin with your gross income.

(2) We subtract one hundred thirty-four dollars from your gross income to get your countable income.

(3) We figure your shelter cost based on information we receive from Social Security Administration (SSA), unless you report a change as described under WAC 388-492-0080. If you pay:

(a) Three hundred (~~twenty-nine~~) forty-two dollars or more a month for shelter, we use three hundred (~~forty~~) fifty-four dollars as your shelter cost; or

(b) Less than three hundred (~~twenty-nine~~) forty-two dollars for shelter, we use one hundred (~~sixty-four~~) seventy-one dollars as your shelter cost; and

(c) We add the current limited utility allowance under WAC 388-450-0195 to determine your total shelter cost.

(4) We figure your shelter deduction by subtracting one half of your countable income from your shelter cost.

(5) We figure your net income by subtracting your shelter deduction from your countable income and rounding the resulting figure up from fifty cents and down from forty-nine cents to the nearest whole dollar.

(6) We figure your WASHCAP food benefits (allotment) by:

(a) Multiplying your net income by thirty percent and rounding up to the next whole dollar; and

(b) Subtracting the result from the maximum allotment under WAC 388-478-0060.

(c) If you are eligible for WASHCAP, you will get at least ten dollars in food benefits each month.